

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARREN MOORE,

Plaintiff,

vs.

Case No.: 2-10-cv-11824

Honorable: Stephen J. Murphy, III

Magistrate Judge: Mona K. Majzoub

LIEUTENANT E. JONES, POLICE OFFICER
JANOSKEY, POLICE OFFICER COLON,
POLICE OFFICER S. SALISBURY, CITY OF
DETROIT POLICE DEPARTMENT and CITY
OF DETROIT,

Defendants.

DAVID B. TRIVAX (P-38798)
Serlin Trivax & Stearn, PLLC
Attorney for Plaintiff
31780 Telegraph Road, Suite 120
Bingham Farms, MI 48025
(248) 663-2666

MARION R. JENKINS (P-26257)
Assistant Corporation Counsel
Attorney for Defendants
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3032

MOTION TO MODIFY SCHEDULING CONFERENCE DATE

NOW COMES Defendant, City of Detroit, a municipal corporation, by and through its undersigned attorney and for its Motion to Modify Scheduling Conference time and/or date and time pursuant to FRCP 16, says as follows:

1. That on August 13, 2010 this Court issued a Notice to Appear at a scheduling conference (Docket no. 5).
2. That the Scheduling Conference is set for September 8, 2010 at 10:00 a.m. before District Judge Stephen J. Murphy, III.

3. That Defendants wishes to change the time and/or date of the scheduling conference for the following reasons:
- a. The time set for the scheduling conference presents a scheduling conflict for defense counsel, who respectfully requests that the time be changed to the afternoon of September 8, 2010.
 - b. That in the event the afternoon of September 8, 2010 is not available, defense counsel would respectfully request that the date of the scheduling conference be changed to Thursday, September 9, 2010, Tuesday, September 14, 2010, Wednesday, September 15, 2010 or some other day convenient for the Court.
 - c. Defendant, City of Detroit, a municipal corporation, has filed a Motion to Dismiss that, if granted, would dispose of this case.

WHEREFORE, Defendant respectfully requests that the scheduling conference date be changed.

Respectfully submitted,

/s/ Marion R. Jenkins

Assistant Corporation Counsel
Attorney for Defendants
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3032
JenkMR@detroitmi.gov
(P-26257)

Dated: August 23, 2010

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**BRIEF IN SUPPORT OF MOTION TO MODIFY SCHEDULING
CONFERENCE DATE**

In support of its motion, Defendant relies on FRCP 4, FRCP 6 and all other applicable court rules.

Respectfully submitted,

/s/ Marion R. Jenkins

Assistant Corporation Counsel
Attorney for Defendants
660 Woodward Avenue
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Detroit, MI 48226

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(P-26257)

Dated: **August 23, 2010**

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

David B. Trivax
Serlin Trivax & Stearn, PLLC
31780 Telegraph Road, Suite 120
Bingham Farms, MI 48025

and hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants(s):

None.

/s/ Marion R. Jenkins
Assistant Corporation Counsel
Attorney for Defendant City of Detroit
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1650 First National Building
Detroit, MI 48226
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